

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2018-09

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF PARTH PATEL
REAR YARD SETBACK
VARIANCE
BLOCK 165.09 LOT 3
IN THE R RESIDENTIAL
ZONING DISTRICT
APPROVAL**

Decided:	July 9, 2018
Resolution Memorialized:	September 6, 2018

WHEREAS, Parth Patel has made application to the Florence Township Zoning Board of Adjustment for a rear yard setback variance to permit enlargement of a wooden deck, at a property located at 304 Seyebe Lane, and known on the official Tax Map of the Township of Florence as Block 165.09, Lot 3;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that proper mailed and published notice was given by the applicant, so that jurisdiction was proper in the Board, the Board opened the public hearing on the application at its July 9, 2018 regular meeting;

WHEREAS, the applicant's contractor, Christopher Wiggins, of CJ & Son Remodeling, LLC appeared before the Board, was sworn, and offered his testimony as a fact witness in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property located at located at 304 Seyebe Lane, and known on the official Tax Map of the Township of Florence as Block 165.09, Lot 3, and therefore has standing to make this application to the Board.
2. Application has been made for a rear yard setback variance to permit enlargement of a wooden deck on the existing single-family dwelling that would be only 44 ft. from the rear property line when a setback of 50 ft. is required and a setback of more than 50 ft. exists.
3. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. The applicant has submitted the following documents in support of its application
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - d. A Township of Florence Zoning Officer's Certification that variance relief is required;
 - e. A series of photographs of the subject and nearby properties
 - f. A survey plan prepared by Tkacs & Lungari Land Surveying dated 3/12/12, which shows the property outbounds and the locations of existing improvements, and which has been annotated by the applicant to show the locations and extent of the proposed improvements.
5. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter commenting upon the application dated July 5, 2018, which is hereby incorporated into the record.
6. The lands to the rear of the subject property are a detention basin and there is extensive landscaping that effectively screens the rear of the subject property.
7. Based upon the testimony of the Mr. Wiggins, which the Board accepts as credible, numerous other properties in the same block have similar or lesser

setbacks and intensities of improvement, and there are no existing problems with runoff on the subject or adjoining properties.

8. The Board Engineer concurred with Mr. Wiggins' testimony.
9. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed rear yard setback variance can be granted pursuant to NJSA 40:55D-70(c)(1), because the location of the existing dwelling would preclude construction of a additional rear deck area without variance relief, and strict adherence to the ordinance standard is poses an exceptional practical difficulty for the applicant. Since the proposed setback and deck are similar to other houses on the same block and there are no existing runoff issues, grant of the requested variances would create minimal detriments to the public good. The proposed variance will merely allow for development that is consistent with nearby properties. The proposed deviation therefore does not create any substantial detriment to the public good or zone plan. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variance.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Parth Patel seeking a rear yard setback variance to permit enlargement of a wooden deck, at a property located at 304 Seyebe Lane, and known on the official Tax Map of the Township of Florence as Block 165.09, Lot 3, be, and hereby is, **APPROVED**, subject to the following conditions:

1. No additional stormwater shall be directed toward adjoining properties as a result of the proposed development.
2. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to the Uniform Construction Code;
3. All taxes and escrow fees for professional review must be paid current and in full.
4. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within one year of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE APPLICATION:

Moved by : Ms. Mattis
Seconded by : Mr. Puccio
In Favor : Ms. Mattis, Mr. Puccio, Mr. Buddenbaum, Mr. Lutz,
Mr. Drangula, Chairman Zekas,
Opposed : None
Recused : None
Absent : Mr. Cartier, Mr. Patel, Mr. Sovak

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Buddenbaum
Seconded by : Mr. Lutz
In Favor : Mr. Buddenbaum, Mr. Lutz, Mr. Drangula, Ms. Mattis,
Mr. Puccio, Chairman Zekas
Opposed : None
Abstained : None
Absent : None

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 9/6/18

B. Michael Zekas
B. Michael Zekas, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on September 6, 2018 and memorializes a decision taken by the Board on July 9, 2018.

Dated: 9/06/2018

Larry Lutz
Larry Lutz, Secretary